

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SOFIA PRIORITY

C O N F I D E N T I A L STATE 037222

EO 11652: NA

TAGS: CGEN

SUBJECT: CONSULAR CONVENTION

REFERENCE: SOFIA 196

1. DEPARTMENT PLEASED TO REPORT THAT DRAFT CONSULAR CONVENTION HAS BEEN APPROVED IN SUBSTANCE BY APPROPRIATE OFFICES OF DEPARTMENT. THE DEPARTMENT ALSO WISHES REPORT THAT LANGUAGE SERVICES COMPARISON HAS BEEN COMPLETED AND THAT ONLY MINOR DIFFERENCES IN TEXTS NOTED. COPY OF LANGUAGE SERVICES REPORT WILL BE POUCHED TO EMBASSY BY FASTEST MEANS AVAILABLE. EMBASSY WILL ALSO RECEIVE COPY OF ENGLISH TEXT REVIEWED BY THE TREATY OFFICE (L/T) WHICH MADE SEVERAL COMMENTS RELATING TO THE FORM AND STYLE OF THE TEXT.

2. THE FOLLOWING DIFFERENCES BETWEEN THE ENGLISH AND BULGARIAN TEXTS WERE NOTED:

(1) IN ARTICLE 36, THE WORD "RECEIVING STATE" APPEARS
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IN THE ENGLISH TEXT AND THE WORD "SENDING STATE" APPEARS IN

THE BULGARIAN TEXT. THE CORRECT WORDING IS THAT OF THE ENGLISH TEXT AND EMBASSY IS REQUESTED TO RAISE THIS MATTER WITH GOB.

(2) IN ARTICLE 38, PARA 1, LINE 6, THE WORDING IN THE ENGLISH TEXT REFERS TO "SENDING STATE." THE CORRECT REFERENCE, WHICH APPEARS IN THE BULGARIAN TEXT, IS TO "RECEIVING STATE." THIS ERROR IS TYPOGRAPHICAL IN THE ENGLISH TEXT.

(3) THE HEADING TO PART V OF THE CONVENTION "GENERAL AND CONCLUDING PROVISIONS" HAS BEEN OMITTED FROM THE ENGLISH TEXT AND SHOULD BE INSERTED BEFORE ARTICLE 50.

(4) AT THE END OF THE CONVENTION, FOLLOWING ARTICLE 52, THE ENGLISH TEXT OMITTS THE SIGNATURE LINES, E.G., "FOR US OF AMERICA."

(5) DEPARTMENT NOTES THAT ENGLISH TEXT OF ARTICLE 46, PARA 1(A) INCLUDES LANGUAGE "ANY INCIDENT ABOARD A VESSEL OF THE SENDING STATE WHILE UNDERWAY." THIS ENGLISH TRANSLATION IS RATHER LOOSE AND DOES NOT CONFORM EXACTLY TO THE BULGARIAN LANGUAGE VERSION WHICH, IF TRANSLATED DIRECTLY, WOULD YIELD "ANY INCIDENT OCCURRING ON BOARD A VESSEL OF THE SENDING STATE DURING ITS VOYAGE." DEPARTMENT BELIEVES THAT MORE DIRECT TRANSLATION WOULD CLARIFY MEANING OF PHRASE AND REQUESTS THE EMBASSY TO SUGGEST THIS ADDITIONAL CHANGE (WHICH WOULD ONLY AFFECT ENGLISH TEXT) WITH THE GOB.

(6) THE ONLY OTHER COMMENT OF A SUBSTANTIVE NATURE RELATES TO THE REFERENCE IN ARTICLE 44 TO "ARTICLE 15 AND 16 OF THIS CONVENTION." WITH REFERENCE TO THE FACT THAT THE CONSULAR OFFICERS ARE SUBJECT TO THE CIVIL JURISDICTION OF THE RECEIVING STATE IN PERFORMING ESTATE MATTERS. SINCE ARTICLE 15 OF THE CONVENTION HAS BEEN AMENDED TO INCLUDE ONLY THE OBLIGATION OF THE RECEIVING STATE TO TREAT MEMBERS OF CONSULATE AND THEIR FAMILIES WITH RESPECT, AND DOES NOT INVOLVE ANY ISSUE OF IMMUNITY FROM JURISDICTION, THEN IT APPEARS APPROPRIATE TO REMOVE ANY REFERENCE TO ARTICLE 15 FROM ARTICLE 44 WHICH DEALS WITH JURISDICTIONAL MATTERS.
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IT IS RECOMMENDED THAT THIS CHANGE BE SUGGESTED TO THE GOB.

(7) DURING THE NEGOTIATION OF ARTICLE 38 OF THE CONVENTION, SPECIFICALLY PARA 5 THEREOF, RELATING TO THE RECURRENCE OF VISITS BY A CONSULAR OFFICER TO A DETAINED SENDING STATE NATIONAL, THE BULGARIAN SIDE NOTED THAT UNDER EXISTING BULGARIAN PRISON REGULATIONS AT LEAST ONE

VISIT PER MONTH IS PERMITTED A DETAINED PERSON. THUS, EXISTING GOB PRISON REGULATIONS WOULD CONFORM WITH THE STANDARD TO BE EMBODIED IN THE CONVENTION. DEPARTMENT BELIEVES IT WOULD BE HELPFUL IF EMBASSY COULD ACQUIRE A COPY OF THESE PRISON REGULATIONS OR, IF NECESSARY, A STATEMENT FROM AN APPROPRIATE GOB OFFICIAL THAT EXISTING REGULATIONS DO IN FACT REFLECT THE PRACTICE AS DESCRIBED DURING THE NEGOTIATIONS.

3. WITH SUBSTANTIVE REVIEW AND LANGUAGE COMPARISON NOW COMPLETE, AND ASSUMING GOB ACCEPTS CHANGES LISTED ABOVE, QUESTION OF TIME AND PLACE FOR SIGNING ARISES. AS EMBASSY AWARE, DEPARTMENT HAS ALREADY SUGGESTED AGREEMENT BE SIGNED IN WASHIN GTON BY POPOV. FINAL DECISION ON THIS MATTER WILL BE SUBJECT OF SUBSEQUENT COMMUNICATION.

4. DEPARTMENT WISHES TO COMMEND EMBASSY FOR ITS EXCELLENT WORK IN CARRYING OUT THE CONVENTION NEGOTIATIONS WITH SUCH SUCCESSFUL RESULTS. EACH MEMBER OF THE EMBASSY'S STAFF IS DESERVING OF INDIVIDUAL APPRECIATION FOR THIS ACCOMPLISHMENT. CASEY

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